UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/697,503	ITO, NORIKO
	Examiner	Art Unit
	Ngoc K. Vu	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-34</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-34</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/17/01, 3/3/03, 6/20/01</u>

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-6, 12, 13, 21-27 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated

by Tognazzini (EP 0817414 A2).

Regarding **claim 1**, Tognazzini discloses a system of providing broadcast information,

comprising:

a receiving processing unit (16 – see figure 2) for receiving both program and

advertisement informations (input signal 14 included television video program or radio program

and advertisement) broadcasted and for extracting only the advertisement information therefrom

(striping the received data to obtain the advertising information) (see col. 6, lines 28-35 and 47-

55);

a reproducing unit (8, 10, 12 – see figure 2) being connected to the receiving processing

unit (16) for fetching both the program and advertisement informations from the receiving

processing unit and for re-producing both the program and the advertisement (for example,

displaying the video program and advertisement on display 12 or transmitting the advertisement

to printer 10 - see col. 6, lines 39-43);

an accumulating unit (20, 22) being connected to the receiving processing unit for

fetching only the extracted advertisement information from the receiving processing unit (16)

and for accumulating the advertisement information (for example, memory 20 and memory 22

store the extracted advertisements from the input signals, and the advertising information are

accumulated, e.g., various previous advertiser messages, stored in memory 20 - see col. 7, lines

15-19; col. 7, line 54 to col. 8, line 2); and

a control unit (18) being operable by an operator (user) and being connected to both the

accumulating unit and the reproducing unit for fetching at least operator-selected one of the

accumulated advertisement information from the accumulating unit and for transferring the at

least operator-selected advertisement information to the reproducing unit for enabling the

reproducing unit to reproduce the at least operator-selected advertisement information (for

example, control unit 18 obtains the selected previous advertiser message from memory 20 and

sends it to the printer 10 for printing or to display 12 for displaying – see col. 7, lines 15-19; col.

7, line 54 to col. 8, line 2).

Regarding **claim 2**, Tognazzini discloses that the user can selectively obtain the current

advertiser message or the previous advertiser message by activating the buttons. The control unit

18 then controls the reproducing unit to retrieve the current advertiser message from memory 22

or the previous advertiser message from memory 20. For example, the video program and current

advertiser message are displayed on the display 12, the user can request to view the previous

advertiser message by activating the button 26. In response, the control unit 18 obtains the

selected previous advertiser message and displays it on display 12 or prints it on printer 10 (see

col. 7, line 47 to col. 8, line 2; col. 2, lines 34-47; col. 1, lines 7-10).

Regarding **claim 3**, Tognazzini discloses that the processor 6 analyses and strips the

received data and obtains the advertising information. The receiving unit 16 analyses the

received input signal 14 for the advertising data embedded within the input signal. That is, receiving unit 16 identifies the advertising data within the received input signal. Thus, the receiving unit recognizes an identification code allocated to the advertising information for extracting only the advertisement information from the broadcasted program and advertisement informations (see col. 6, line 52 to col. 7, line 7).

Regarding **claim 4**, Tognazzini discloses that the program and advertising infomations are broadcasted via either radio broadcasting or television broadcasting (see col. 6, lines 28-31 and 49-52).

Regarding **claim 5**, Tognazzini discloses that the receiving unit 16 recognizes a predetermined frequency signal (e.g., a radio AM signal, a radio FM signal or a television signal) allocated to the advertisement information for extracting only the advertisement information from the broadcasted program and advertisement informations (see col. 6, lines 31-35; col. 6, line 49 to col. 7, line 7).

Regarding **claim 6**, Tognazzini discloses that the program and advertising infomations are broadcasted via either radio broadcasting or television broadcasting (see col. 6, lines 28-31 and 49-52).

Regarding **claim 12**, Tognazzini discloses that the reproducing unit comprises a display unit 12 or a printing unit 10 (see figure 2; col. 6, lines 39-43).

Regarding **claim 13**, Tognazzini discloses that the receiving processing unit 16 distinguishes the extracted advertisement information into both a guidance information (e.g., destination number) which corresponds to a part of the extracted advertisement and a full information (e.g., current or previous advertiser inforamtion) which corresponds to an entire of

the extracted advertisement information, and the accumulating unit (20, 22) accumulates the

guidance advertisement and the full information separately (storing the current or previous

advertiser specific data and the advertiser destination number in the memory 20, 22), and the

control unit (18) transfers the guidance information (e.g., destination number) to the reproducing

unit to reproduce the guidance information to wait for an operator's request for reproducing the

full information, before the control unit transfers the full information to the re-producing unit to

re-produce the full information only when receipt of the operator's request (for example, when

user activates button 25, the control unit 18 then retrieves the current advertiser information from

the memory 22 which includes the telephone number of the current advertiser that has been

selected. The control unit 18 then automatically dials the current advertiser's telephone number

via interaction with telephone 8 – see col. 4, lines 26-38; col. 7, lines 20-44).

Regarding **claim 21**, Tognazzini discloses that the system is loaded on a vehicle (see col.

3, lines 5-11, and 23-32).

Regarding **claim 22**, Tognazzini discloses a method of providing broadcast informations,

comprising the steps of:

receiving both program and advertisement information broadcasted (receiving input

signal 14 via receiver 16 included the video program or radio program and advertisement – see

figure 2);

extracting only the advertisement information from the program and advertisement

informations (striping the received data to obtain the advertising information - see col. 6, lines

28-35 and 47-55);

accumulating the extracted advertisement information (for example, memory 20 and

memory 22 store the extracted advertisements from the input signals, and the advertising

information are accumulated, e.g., various previous advertiser messages, stored in memory 20 -

see col. 7, lines 15-19; col. 7, line 54 to col. 8, line 2); and

reproducing at least one operated-selected advertisement information (for example,

producing the selected advertisement on display 12 or on printer 10 when user activates button

24 or 26 - see col. 6, lines 39-43 and figure 2).

Regarding **claim 23**, Tognazzini discloses that the user can selectively obtain the current

advertiser message or the previous advertiser message by activating the buttons. The control unit

18 then controls the reproducing unit to retrieve the current advertiser message from memory 22

or the previous advertiser message from memory 20. For example, the video program and current

advertiser message are displayed on the display 12, the user can request to view the previous

advertiser message by activating the button 26. In response, the control unit 18 obtains the

selected previous advertiser message and displays it on display 12 or prints it on printer 10 (see

col. 7, line 47 to col. 8, line 2; col. 2, lines 34-47; col. 1, lines 7-10).

Regarding **claim 24**, Tognazzini discloses that the processor 6 analyses and strips the

received data and obtains the advertising information. The receiving unit 16 analyses the

received input signal 14 for the advertising data embedded within the input signal. That is,

receiving unit 16 identifies the advertising data within the received input signal. Thus, the

receiving unit recognizes an identification code allocated to the advertising information for

extracting only the advertisement information from the broadcasted program and advertisement

informations (see col. 6, line 52 to col. 7, line 7).

Regarding **claim 25**, Tognazzini discloses that the program and advertising infomations

are broadcasted via either radio broadcasting or television broadcasting (see col. 6, lines 28-31

and 49-52).

Regarding **claim 26**, Tognazzini discloses that the receiving unit 16 recognizes a

predetermined frequency signal (e.g., a radio AM signal, a radio FM signal or a television signal)

allocated to the advertisement information for extracting only the advertisement information

from the broadcasted program and advertisement informations (see col. 6, lines 31-35; col. 6,

line 49 to col. 7, line 7).

Regarding **claim 27**, Tognazzini discloses that the program and advertising infomations

are broadcasted via either radio broadcasting or television broadcasting (see col. 6, lines 28-31

and 49-52).

Regarding **claim 33**, Tognazzini discloses that the receiving processing unit 16

distinguishes the extracted advertisement information into both a guidance information (e.g.,

destination number) which corresponds to a part of the extracted advertisement and a full

information (e.g., current or previous advertiser inforamtion) which corresponds to an entire of

the extracted advertisement information, and the accumulating unit (20, 22) accumulates the

guidance advertisement and the full information separately (storing the current or previous

advertiser specific data and the advertiser destination number in the memory 20, 22), and the

control unit (18) transfers the guidance information (e.g., destination number) to the reproducing

unit to reproduce the guidance information to wait for an operator's request for reproducing the

full information, before the control unit transfers the full information to the re-producing unit to

re-produce the full information only when receipt of the operator's request (for example, when

user activates button 25, the control unit 18 then retrieves the current advertiser information from

the memory 22 which includes the telephone number of the current advertiser that has been

selected. The control unit 18 then automatically dials the current advertiser's telephone number

via interaction with telephone 8 – see col. 4, lines 26-38; col. 7, lines 20-44).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 7-9, 14-20, 28-30 and 34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Tognazzini (EP 0817414 A2).

Regarding **claims 7-9 and 28-30**, Tognazzini discloses that the control unit 18 obtains the

selected previous advertiser information for displaying or printing the advertisement information

on display 12 or printer 10. Corresponding to user's request, the advertisement information is

reproduced repeatedly for displaying (see col. 7, line 54 to col. 8, line 2). Tognazzini does not

explicitly teach selecting the advertisement in accordance with a predetermined description of

attribute, wherein the predetermined description is a first type attribute to reproduce the

advertisement information always belonging to broadcasts of a predetermined broadcast

program. Official Notice is taken that broadcasted information comprising an indicator of the

advertisement to be present, channel, or program with which the advertisement is associated, and

the channel on which the advertisement is to be presented is well known in the art. Therefore, it

would have been obvious to one having ordinary skill in the art at the time the invention was

made to modify the system of Tognazzini by reproducing the advertisement information in

accordance with the broadcasted information indicated a particular program with which the

advertisement is associated in order to effectively broadcast the advertisement associated with

that particular program.

Regarding **claim 14**, Tognazzini discloses that the control unit 18 controls the

reproducing unit to reproduce the advertisement information at a normal speed, e.g., displaying

the advertisement on the display 12 (see col. 7, line 47 to col. 8, line 2). Tognazzini does not

explicitly teach the control unit controls the reproducing unit to discontinue the re-production

impermanently, to discontinue the reproduction permanently, to turn back toward the head of the

advertisement information, to reproduce the advertisement information at a higher speed than the

normal speed, to turn back frames of the advertisement information, to forward the frames of the

advertisement information, and to repeat reproducing the advertisement information. Official

Notice is taken that trickmode feature such as pause, stop, reverse, fast forward, resume...etc is

well known in the art. Therefore, it would have been obvious to one having ordinary skill in the

art at the time the invention was made to modify the system of Tognazzini by providing

trickmode feature in order to allow the user to control playback the advertisement information.

Regarding **claim 15**, Tognazzini discloses that the control unit comprising an indicator

panel, i.e., buttons/switches 23-25, directly touched by the user (see figure 2).

Regarding **claim 16**, Tognazzini shows the system includes television 2 and display 12

(see figures 1-2). Tognazzini does not explicitly disclose the control unit comprising a wireless

remote controller. Official Notice is taken that using a wireless remote control in television

system for remotely control TV is well known in the art. Therefore, it would have been obvious

to one having ordinary skill in the art at the time the invention was made to modify the system of

Tognazzini by providing a wireless remote controller to allow the user remotely control TV.

Regarding **claim 17**, Tognazzini discloses a keyboard 42 and a mouse 44 as input devices

(see col. 8, lines 28-29).

Regarding **claim 18**, Tognazzini discloses that the user is connected to the advertiser for

additional product/service inquiry and/or directions to the advertiser (see col. 8, lines 7-12).

Tognazzini does not explicitly disclose a voice access controller having a voice-recognition

processor. Official Notice is taken that authentication technique such as voice recognition is well

known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify the system of Tognazzini by utilizing voice

recognition controller in order to verify the user identification.

Regarding claims **19, 20 and 34**, Tognazzini discloses that the control unit 18 instructs

the reproduction unit 12 to reproduce the previous advertiser information. It is noted that the

control unit 18 inherently comprises a timer since it is a main central processing unit (see figures

1-2; col. 7, line 54 to col. 8, line 2 and figure 2). Tognazzini does not explicitly disclose

reproducing the advertisement information when a predetermined time has passed. Official

Notice is taken that presenting advertisement to the viewers in accordance with a specific

time/date is well known in the art. Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to modify the system of Tognazzini by

presenting advertisement to the users in accordance with a specific time/date as the advertiser

desires to distribute the advertisement effectively.

5.   Claims 10, 11, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tognazzini (EP 0817414 A2) in view of Hejna, Jr. (US 6,598,228 B2).

Regarding **claims 10, 11, 31 and 32**, Tognazzini discloses that the control unit 18 obtains

the selected previous advertiser information for displaying or printing the advertisement

information on display 12 or printer 10. Corresponding to user's request, the advertisement

information is reproduced repeatedly for displaying (see col. 7, line 54 to col. 8, line 2).

Tognazzini does not explicitly disclose the predetermined description of attribute is a second

type attribute to reproduce the advertisement information at a predetermined normal speed until

the last of the advertisement information once. However, Hejna teaches that a rule indicating rate

information output during the first two or three occurrences of a commercial advertisement

occurring in a series of media works received by the client device are unmodifiable (see col. 34,

lines 21-34). Therefore, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify the system of Tognazzini by including a rule indicated

rate output the advertisement are unmodifiable as taught by Hejna in order to prevent users from

speeding through the advertisement they have not seen before.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Logan et al. (US 5,732,216 A) discloses an audio program and message distribution

system.

Rines et al. (US 20010033442 A1) discloses a method and apparatus for expanding

functionality of vehicle cassette tape player decks to permit dictation or other recording and

automatic remote station relaying of same.

Smith (US 6,067,008 A) discloses a method and apparatus for inputting messages

including advertisements to a vehicle.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The

examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ngoc K. Vu
Examiner
Art Unit 2611

November 22, 2004